

REMARKS

The Examiner has rejected applicant's claims 1, 3-8, 10-12, 14-16, 18-19 under 35 USC 103(a) as being unpatentable over the Tsuda, et al. reference (U. S. Published Patent Application Publication No. 2005/0225662) taken with the Sato patent (U. S. Patent No. 6,839,087). The Examiner has rejected applicant's claims 2, 9, 13 and 17 under 35 USC 103(a) based on the latter references taken with the Kenmochi, et al. patent (U. S. Patent No. 5,900,947). These rejections are respectfully traversed.

Applicant's independent claim 1 recites an image sensing apparatus having at least a filter insertion/removal device which is operated by a user and inserts and removes an optical filter for reducing a light quantity to an image sensing element serving as an optical system, comprising: a signal processing device which performs signal processing so as to generate image data from an image sensing signal output from the image sensing element; a brightness value calculation device which calculates a first brightness value representing a brightness of part or all of an object which is imaged on the image sensing element; a brightness value correction device which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user; and a control device which controls the signal processing in said signal processing device by using the second brightness value. Applicant's independent claims 3, 8, 10, 12, 14, 16 and 18 recite similar features.

As can be appreciated from the above, applicant's independent claims include the following features: a brightness value calculation device which calculates a first brightness

value representing a brightness of part or all of an object which is imaged on the image sensing element, a brightness value correction device which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user, and a control device which controls the signal processing in said signal processing device or an optical system by using the second brightness value.

Applicant submits that such a construction is not taught or suggested by the cited art of record. More particularly, the Examiner has argued that the Tsuda, et al. reference discloses “an image sensing apparatus having . . . a brightness value calculation device which calculates a first brightness value representing a brightness of part or all of an object which is imaged on the image sensing element (luminance signal detecting circuit 507 and IRIS control signal computing circuit 511; [0101-0103;0110])”. The Examiner further states that “Tsuda first brightness value is obtain[ed] on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device (Fig. 1; luminance signal detecting circuit and iris control signal are inherently computed on the basis of the ND-filter on/off; [0099])”.

The Examiner additionally states that the Tsuda, et al. reference “fails to explicitly disclose a brightness value correction device which calculates a second brightness value by correcting the first brightness value; and a control device which controls the signal processing in said signal processing device by using the second brightness value.” However, the Examiner argues that this feature is disclosed in the Sato reference, since this reference discloses “average brightness values of all the pixels of CCD are calculated and subsequently multiplied by 2N [and] [a]n exposure compensation factor is calculated by

dividing predetermined proper value by the average brightness value [and] . . . a main exposure is performed at a third exposure time that calculated by multiplying first exposure time by exposure compensator factor . . .” Finally, the Examiner concludes that this feature in the Sato reference can be applied to the Tsuda reference “to manipulate average brightness values of all pixels of a CCD in order to calculate Exposure compensation factor and third exposure time” and would “make it possible to reduce the time lag between pre-exposure and the main exposure. . .”

Applicant submits, however, that even assuming arguendo that this combination can be made, the resultant combination simply does not meet the terms of applicant’s independent claims. Thus, as indicated above, in applicant’s claimed invention, the brightness value correction device calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user. Therefore, correction of the first brightness value is based on a light reduction amount and the light reduction amount is generated by inserting the optical filter by the filter insertion/removal device operated by the user.

This is completely different from the Examiner’s combined system in which, as argued by the Examiner, the first brightness is based on filter insertion/removal, but the brightness correction is based on the Sato reference and “would manipulate average brightness values of all the pixels of a CCD in order to calculate Exposure compensation factor and third exposure time”. There would thus be no brightness correction based on a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user

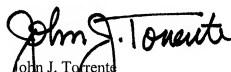
Therefore, applicant's independent claims 1, 3, 8, 10, 12, 14, 16 and 18, and their respective dependent claims, all of which recite, in one form or another, a brightness value calculation device which calculates a first brightness value representing a brightness of part or all of an object which is imaged on the image sensing element, a brightness value correction device which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user, and control device which controls the signal processing in said signal processing device or an optical system by using the second brightness value, in combination with the other elements of the claims, patentably distinguish over the combination of the Tsuda, et al. and Sato references. The Kenmochi, et al. patent adds nothing to change this conclusion.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited references. Accordingly, reconsideration of the claims is respectfully requested.

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Respectfully submitted,

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